# PB# 86-50

# Stephen Csubak (Sub. & LLC)

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AGREEMENT made this 25th day of January, 1989 between STEPHEN J. CSUBAK, JR. & NANCY CSUBAK, both residing at 2 Clarkview Road, New Windsor, New York (hereinafter referred to as "Csubaks) and THE TOWN OF NEW WINDSOR, a municipal corporation.

#### WITNESSETH;

WHEREAS, Csubaks are the owners of a lot located at the corner of Clarkview Road and Little Britain Road in the Town of New Windsor, Orange County, New York which property is designated as Section 6, Block 1, Lot 1.1 on the Town of New Windsor Tax Map; and

WHEREAS, a building permit was issued for the construction of a one family residence on said premises by the Town of New Windsor; and

WHEREAS, construction of the aforesaid residence is almost completed and the Csubaks have requested a Certificate of Occupancy from the Town of New Windsor; and

WHEREAS, it has been determined that at the time the aforesaid property was subdivided from a larger parcel of property, representation was made to the Town of New Windsor Planning Board that a shed on the property would be removed; and

WHEREAS, removal of said shed was not made a condition on the subdivison map which was approved and filed; and

WHEREAS, Csubak was unaware of the aforesaid representation about removal of the shed when they acquired title to the property; and

WHEREAS, the Town of New Windsor has indicated that a Certificate of Occupancy will not be issued without the removal of

the shed and the parties wish to reach an agreement that is satisfactory to all the parties.

IT IS HEREBY AGREED BY THE PARTIES AS FOLLOWS:

- 1. The shed shall remain on the property on the condition that no business be conducted from said shed including, but not limited to, the cutting of meat, for private or public use.
- 2. Csubak agrees to paint the exterior of said shed no later than June 1, 1989 and maintain the shed in good repair and a presentable condition.
- 3. In the event the owners of the lot designated as Section 6, Block 1, Lot 1.1 on the Town of New Windsor Tax Map violate either of the aforesaid terms, the Town of New Windsor is hereby authorized to remove the shed and the cost of said removal shall be charged to the owners of said lot.
- 4. The Town of New Windsor agrees to issue a Certificate of Occupancy for the residence constructed on the Csubaks' property on the condition that said residence meets all the requirements of the Town of New Windsor Building Code.
- 5. This agreement shall be executed in recordable form and recorded in the Orange County Clerk's Office.

Stephen J. Csubak

Nancy Csubak

The Town of New Windsor

y: George a. Ya

STATE OF NEW YORK )

COUNTY OF ORANGE

On the day of January, 1989, before me personally appeared STEPHEN J. & NANCY CSUBAK to me personally known and known to me to be the same person described in and who executed the within instrument, and acknowledged to me that they executed the same.

Notary Public, State of New York Qualified in Orange County 50/1890

STATE OF NEW YORK

ss.:

COUNTY OF ORANGE

On the 3 day of January, 1989, before me personally came GEORGE A. GREEN to me known, who, being by me duly sworn, did depose and say that he resides at 7 Regimental Drive, New Windsor, New York; that he is the Supervisor of the TOWN OF NEW WINDSOR, the corporation described in and which executed the foregoing instrument, that he knows the seal of said corporation; that the seal affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

Notary Public

Hotary Public, State of New York
Residence on Appointment-Grange County
Commission Expires May 31, 19.

#### INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD

TOWN BOARD MEMBERS

FROM: ATTORNEY FOR TOWN SEAMAN

SUBJECT: LANDS OF STEPHEN J. CSUBAK, JR. AND NANCY CSUBAK

DEMOLITION OF SHED-2 CLARKVIEW ROAD

SECTION 6-BLOCK 1-LOT 1.1

DATE: JANUARY 25, 1989

I have been contacted by Alan Axelrod, Esq., attorney for Stephen J. Csubak, Jr. and Nancy Csubak regarding the demolition of a shed that exists on their property. According to the minutes of the Planning Board meeting, Patrick Kennedy, L. S., represented to the Planning Board that the shed would be removed. Stephen J. Csubak, Jr. and Nancy Csubak were not aware of this since it did not appear on the subdivision plat that was filed in the Orange County Clerk's Office. I suggested to Mr. Axelrod that he come before the Planning Board and discuss this problem with the Board since the representation of Mr. Kennedy may have been a relevant factor when granting the subdivision approval. Mr. Axelrod said his clients would agree to enter into a agreement whereby they would cease using the building for any commercial activity including, but not limited to, butchering of meats for private or public purposes and, further, that the shed would be painted and maintained in an acceptable condition. Csubak's also agreed that in the event they (or future owners of the property) violated the terms of the agreement, the town could remove the shed and the owner of the real property would be obligated to pay for the removal costs incurred by the town. This agreement would be recorded in the Orange County Clerk's Office so that future owners will be aware of it.

The purpose of this memo is to advise the Planning Board that I have reviewed the intent of the agreement with the Supervisor and he finds the agreement to be acceptable, as do I. However, I wish to advise the Planning Board that I have advised Mr. Axelrod that the decision was to be made by the Planning Board and not the Town Board and that any approval by the Supervisor or myself was merely our opinion and in no way can be construed to be the opinion of the Planning Board. Mr. Axelrod will be appearing before you on January 25, 1989 and I expect that he will present an agreement setting forth the above conditions that has been executed by Mr. and Mrs. Csubak. If the Board is in agreement with the relief that is being requested by Mr. Axelrod, the Board can so notify the Supervisor's office and I will prepare a resolution authorizing the execution of the agreement by the Supervisor.

J. Tad Seaman

## CSUBAK SUBDIVISION

Alan Axelrod, Esq., care before the Board representing this proposal.

Mr. Axelrod: My client's own property at the corner of Clarkview Road and Little Britain Road. The old water shed and that is designated on the tax map as 6-1-1.1. In April of '87, my client gained titled from Mr. Csubak Sr. who is here and his wife. This property was previously a portion of a larger parcel that was owned by the Csubak Sr. and they subdivided and also did a lot line change back in September of '86. At that time, we obtained copies of the minutes of the Planning Board meeting. There was a minor subdivision on a lot line change done and it was presented by Patrick Kennedy who represented Mr. & Mrs. Csubak Sr. In the minutes, the subdivision and the lot line change were approved unanimously and the Csubak Srs. were not at that meeting. Apparently, a question was asked by Mr. Scheible about a shed and tank that were on the property and it was indicated that they were going to be removed. Mr. Csubak Sr. and his wife were never advised of that.

Mr. VanLeeuwen: I didn't read the minutes, okay, but there is a concrete shed there, a concrete block shed which met all the criteria and we should—everything around the shed has to be removed by the concrete shed to the best of my knowledge now can stay. Now, I haven't seen a map of that. Do you have a map of it?

Mr. Axelrod: Yes.

Mr. Babcock: The minutes, I got the tape of the minutes out and there was conversation in the minutes about the shed being removed along with the fences. What happened was I brought that to Mr. Csubak's attention before a C.O. would be issued on the house, that the shed would have to be removed and also the fences. The fences are no problem. They are gone. The reason they are here tonight is because I wouldn't issue them a C.O. on this house because they made their representitive Patrick Kennedy made a statement that the shed will be removed.

Mr. Axelrod: Is that in the minutes.

Mr. Babcock: Yes.

Mr. Rones: Do you recall what the reason was?

Mr. Babcock: The Planning Board asked for it.

Mr. Axelrod: I have a copy of the minutes of September 10th becasue I spoke to Supervisor Green and also to Tad Seaman, the town attorney, and I don't know if there was any other discussion in the minutes but this just at the end, what about the shed and the tank, by Mr. Scheible, things are coming out completely. That is coming out, yes. I make a motion that we approve it and the motion, that is all I have.

Mr. VanLeeuwen: We should go to the tape because Shirley's minutes

were not very accurate.

Mr. Rones: Mike listened to the tape. Was there any reasoning in the discussion about why they wanted the shed out. Was there a setback problem or a maintenance problem.

Mr. VanLeeuwen: I make a motion that we approve it. It doesn't say who does and I will second it, who seconded it. Nobody knows.

Mr. Rones: All the minutes are not there.

Mr. Babcock: It is a tape of the minutes. There is five people talking at one time. It is very hard to clarify the minutes, okay. And, I only typed up the exact portion of the minutes because I remember it, a discussion of it. There was a discussion, I know, Mr. Csubak did do some deer cutting there. There was discussion, I don't see that in the minutes about this part. That is the only part I got because that is the only thing that I was, that I needed to know. Patrick Kennedy said it was coming out. I am just stating what it said.

Mr. Schiefer: You had a discussion--

Mr. Axelrod: For clarification, the subdivision and lot line change, when it was done, the property was owned by Mr. Csubak Sr. and his wife and I believe also his son John Csuback who has constructed a house on lot #2. My client did not own this property until sometime in 1987 so they applied for a building permit. They got a construction loan. The built the house. Nobody ever indicated to them. They didn't know anything about this. They have got the house. They have got a construction loan. The house is just about done. Hagar Homes is waiting for their last payment. They are ready to ask Mr. Babcock to issue the C.O. and this came up in early December. I have spoken with the town attorney about this also. They have put electrical lines. They have got sewer in the area of the shed so if they have to remove the shed, it is going to cause a lot of problems. It is something that they weren't aware of.

Mr. McCarville: What is this pole.

Mr. Axelrod: This is gone.

Mr. McCarville: Didn't we see a map with a house positioned on it here.

Mr. Axelrod: The house is up here.

Mr. McCarville: I'd like to see the map that we approved.

Mr. Rones: It is 5 feet 8 inches off the line.

Mr. Axelrod: The crux of the problem after having spoken with Mr. Green and Mr. Seaman is the fact that in this shed, there was some meat cutting equipment. Mr. Csubak used to work for Mr. Scheible.

Now, he works for Shop Rite and he used this shed to butcher meat. That has been removed and I discussed this with Mr. Seaman. In fact, he may have given you a memo on that. I drew up an agreement which I submitted to Mr. Seaman which he can give you copies but basically, crux of it is that my client agrees that the shed will remain on the property on the condition no business be conducted from the shed including by not limited to the cutting of meat for private and public use. They agree to paint the exterior of the shed no later than June 1st and maintain it in good repair. In the event they don't adhere and they will authorize the town to remove it and the cost, in the event of the owner's violate the terms of the agreement, the town is authorized to remove the shed and the cost of the removal will be charged to the owners of the lot. Based on that, the town would issue a C.O. as long as all the other requirements are made.

Mr. VanLeeuwen: 'I really--I can't see where it is such a big deal.

Mr. Schiefer: Mike wants to know.

Mr. VanLeeuwen: If the shed was to be removed, we should have had it on the map.

Mr. McCarville: How about the wooden add-ons. Have they been removed?

Mr. Csubak: The fence is off.

Mr. McCarville: There is more than that shed. There is an addition made of wood.

Mr. Csubak: It is like an overhang. I have to take it off but if I pull it off, I take off the shingles.

Mr. Axelrod: The builder is ready to get paid. The house is adjacent to it on lot #2. This didn't come up and they weren't aware until late November, early December because my client's brother who is here and the son of Mr. Csubak Sr. has already built his house. The question never came up. He was totally unaware of the representation that Mr. Kennedy made in '86. The shed which is the old water shed--

Mr. McCarville: I'd like to see that agreement all that exterior stuff taken off that sits on basically cinder block building there to be maintained, no additions to it.

Mr. Axelrod: They have no objection to removing the overhang.

Mr. Schiefer: If they do that and sign the agreement, does anybody have an objection.

Mr. Axelrod: The equipment is already out of there.

Mr. Schiefer: As soon as it is done, the building inspector will go over and issue the C.O. It will be just a block building. It will

be painted and maintained. If there are any problems, the town can take it down and they will pay for it. That is in the agreement.

Mr. VanLeeuwen: I make a motion that Mr. Babcock will issue a C.O. as soon as the requirements are met with regard to the Csubak Subdivision.

Mr. Soukup: I will second that motion.

Mr. McCarville: The next time Mr. Kennedy comes before this Board, he better bring 15 sheets to put everything on the plan because when he comes in again, everything will be on the map.

#### ROLL CALL:

Mr.	McCarville	Aye
Mr.	VanLeeuwen	Aye
Mr.	Pagano	Aye
Mr.	Soukup	Aye
Mr.	Schiefer	Aye

Feing that there was no further business to come before the Board a motion was made to adjourn the January 25th, 1989 meeting by Mr. VanLeeuwen seconded by Mr. McCarville and approved by the Board.

Respectfully submitted,

FRANCES SULLIVAN STENOGRAPHER

O(M)

PLANNING BOARD TOWN OF NEW WINDSOR 555 UNION AVENUE NEW WINDSOR, NY 12550

Date Received 1186	•
Preapplication Approval	
Preliminary Approval	
Final Approval	
Fees Paid 26	

g6-50

# APPLICATION FOR SUBDIVISION APPROVAL

	Date: July 9, 1986
1.	Name of subdivision Subdivision & Lot line Change for Stephen J- Csubak
2.	Name of applicant John M. Csubak Phone 562-8519
	Address 2 Clarkview Road New Windsor N. 1. 12550 (Street No. & Name) (Post Office) (State) (Zip Code)
2	Owner of record Stephen J. Csubak Phone 562-8519
٥.	Address 2 Clarkview Road New Windsor N.Y. 12550
	(Street No. & Name) (Post Office) (State) (Zip Code)
4.	Land Surveyor Patrick T- Kennedy, L.S. Phone 562-6444
	Address 335 Temple Hill Rd, New Windsor, N-4 12550 (Street No. & Name) (Post Office) (State) (Zip Code)
S.	Attorney Phone
	Address
	(Street No. & Name) (Post Office) (State) (Zip Code)
6.	Subdivision location: On the west side of Clarkview Road
	at the south West corner of Clarkview Rd & N. 4.5. Rte. 207  [direction]
	(direction)
7.	Total Acreage 1.675 ac. Zone R4 Number of Lots 2
8.	Tax map designation: Section 6 Lot(s) Block 1, Lots 1 £ Z
9.	Has this property, or any portion of the property, previously been subdivided No.
	If yes, when; by whom
10.	Has the Zoning Board of Appeals granted any variance concerning this property <u>No</u> .
	If yes, list case No. and Name

Section	Block(s)	Lot(s)	
Attached hereto is a	an affidavit of owners	hip indicating the da	ites the respective holdings of
land were acquired	, together with the lib	per and page of each	conveyance into the present
owner as recorded i	n the Orange County	Clerk's Office. This	s affidavit shall indicate the
legal owner of the p	property, the contract	owner of the propert	y and the date the contract of
sale was executed.	IN THE EVENT OF C	ORPORATE OWNERSH	IIP: A list of all directors,
officers and stockh	olders of each corpora	ation owning more th	an five percent (5%) of any
class of stock must	be attached.		
STATE OF NEW YOR COUNTY OF ORANG	•		
I, John	Subar		, hereby depose and say that
all the above state	ments and the stateme	ents contained in the	papers submitted herewith
are true.	·	from sind.	A <u>t</u>
		Mailing Address	S A CLARKVIEW Rd.
	•	New Wini	DSON, N.Y. 12550
SWORN to before me	e this		
9th day of Ju	28e1, july		
Donna O	Don Gol.		

DONNA J. LaPIERRE
Netary Public, State of New York
Residence of Prointment
Orange County
Commission Expires Jacquary 31, 19

NOTARY PUBLIC

## INSTRUCTIONS

- (a) In order to answer the questions in this short EAE is is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies, research or other investigations will be undertaken.
- (b) If any question has been answered Yes the project may be significant and a completed Environmental Assessment Form is necessary.
- (c) If all questions have been answered No it is likely that this project is not significant.

# (d) Environmental Assessment

(d) Mivil olimpical vaseasingut	
1. Will project result in a large physical change to the project site or physically alter more than 10 acres of land?	
2. Will there be a major change to any unique or unusual land form found on the site? Yes No	
3. Will project alter or have a large effect on an existing body of water? Yes No	
4. Will project have a potentially large impact on groundwater quality? Tes No	
5. Will project significantly effect drainage flow on adjacent sites? Tes No	
6. Will project affect any threatened or endangered plant or animal species? Yes No	
7. Will project result in a major adverse effect on air quality?	
8. Will project have a major effect on visual character of the community or scenic views or vistas known to be important to the community? Yes Wo	
9. Will project adversely impact any site or struct- ure of historic, pre-historic, or paleontological importance or any site designated as a critical environmental area by a local agency? YesNo	
10. Will project have a major effect on existing or future recreational opportunities? Yes No	
11. Will project result in major traffic problems or cause a major effect to existing transportation systems?  Yes No	
12. Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbance as a result of the project's operation? . Yes No	
13. Will project have any impact on public health or safety?	
14. Will project affect the existing community by directly causing a growth in permanent population of more than 5 percent over a one-year period or have a major negative effect on the character of the community or neighborhood? Yes No	
15. Is there public controversy concerning the project? Yes No	
PREPARER'S SIGNATURES TORS TORMED TITLE: Land Surveyor	
REPRESENTING: Stroken J. Asubale DATE: 7/9/86	_
WILLIAM SERVICE STATES ON THE STATES ON THE STATES ON THE STATES OF THE	-
## ## · *	



Louis Heimbach
County Executive

# Department of Planning & Development

124 Main Street Goshen, New York 10924 (914) 294-5151

Peter Garrison, Commissioner Richard S. DeTurk, Deputy Commissioner Paul Costanzo, Director of Community Development

# ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT 239 L, M or N Report

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency

having jurisdiction. PLANNING BD. D P & D Reference No. VLUT 30 86N County I.D. No. 6 / 1 / 1+2 Applicant JOHN M. CSUBAK ... Proposed Action: MINUR SCOBONISION NONE: A MATTER FOR LOCAL DETERMINATION **Related Reviews and Permits** County Action: Approved \_ Disapproved Approved subject to the following modifications:

# WATER, SEWER, HIGHWAY REVIEW FORM:

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Subdivi	sion		as submitted by	
PK	unedy	for the	building or subdivision of	
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7	71,			
		nd is approve	ed,	
disappro	oved		•	
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If	disappro	ved, please l	ist reason.	
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			HIGHWAY SUPERINTENDENT	
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	-		1/24/86	

# 5

# PLANNING BOARD

# PLANNING BOARD ENGINEER REVIEW FORM:

or the S <del>ite Approva</del> l
as submitted by
for the building or subdivision
SUBAK has been reviewed
disapproved
•

PAUL V. CUOMO, P.E.

# WATER, SEWER, HIGHWAY REVIEW FORM:

The maps and plans for the Site Ap	proval
Subdivisionas su	bmitted by
J. Csubak - P. Komoly 15 for the building Stephen J. Csubak	or subdivision of has been
reviewed by me and is approved	,
_disapproved	
-If disapproved, please list reason	•
There is an existing water 1	ine on Clarkview.
	-
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нідн	WAY SUPERINTENDENT
	House Dr. Dio
WATE	R SUPERINTENDENT
SANI	TARY SUPERINTENDENT
	DATE

# TOWN OF NEW WINDSOR

555 UNION AVENUE NEW WINDSOR, NEW YORK

## BUREAU OF FIRE PREVENTION

# SITE PLAN APPROVAL

John M. Csi	ıbak
The aforementioned site plan or make Fire Prevention at a meeting held	map was reviewed by the Bureau of on 12 August 1986 .
X The site plan or map was appropriately Prevention.	proved by the Bureau of Fire
The site plan or map was dis Prevention for the following	sapproved by the Bureau of Fire greason(s).
(subdivision and lot line change.	
	211)
- Alex	P July
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	CTOVER

CHAIRMAN

# WATER, SEWER, HIGHWAY REVIEW FORM:

The maps and plans for the Site Approval
Subdivisionas submitted by
tatere I temmedy for the building or subdivision of
John M. Csubak. has been
reviewed by me and is approved,
disapproved
If disapproved, please list reason.
this property has been provided with a spur.  before it was Sub-divided.
before it was Sub-divided.
2) Additional spurs must be provided by Sunb-divider
HIGHWAY SUPERINTENDENT
WATER SUPERINTENDENT
SANFTARI SUPERINTENDENT
7/21/86 DATE

